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Attorneys for Plaintiffs Veronica Hernandez,
R.H., and M.H.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

VERONICA HERNANDEZ; R.H., a minor,
by and through her Guardian *ad Litem*,
VERONICA HERNANDEZ; and M.H., a
minor, by and through her Guardian *ad Litem*,
VERONICA HERNANDEZ,

Plaintiffs,

v.

COUNTY OF FRESNO, a public entity;
PROTEUS, INC. a corporation; DOE
FRESNO COUNTY DEPARTMENT OF
SOCIAL SERVICES SOCIAL WORKER, an
individual; DOE FRESNO COUNTY
DEPARTMENT OF SOCIAL SERVICES
SUPERVISOR, an individual; and DOES 1-
40, inclusive,

Defendants.

Case No. 1:22-CV-01145-ADA-EPG

**STIPULATION AND ORDER RE: FIRST
AMENDED COMPLAINT AND
DEFENDANTS' RESPONSE THERETO
UNDER FED.R.CIV.P. 15(a)**

(ECF No. 20)

STIPULATION

This stipulation is entered into by and between Plaintiffs Veronica Hernandez, R.H. (by and through her guardian ad litem Veronica Hernandez), M.H. (by and through her guardian ad litem Veronica Hernandez), and Defendants County of Fresno and Proteus, Inc., by and through their respective counsel, as follows:

WHEREAS, Defendants' responses to Plaintiffs' Complaint is currently due February 6, 2023;

WHEREAS, the Scheduling Conference is currently scheduled for February 22, 2023 at 11:00 a.m.;

WHEREAS, pursuant to the court's November 30, 2022 order, the parties have obtained Fresno County Juvenile Court files related to Plaintiffs, and over two thousand pages of documents from the Fresno County Department of Social Services related to Plaintiffs;

WHEREAS, the parties have met and conferred regarding Defendants' potential Motions to Dismiss;

WHEREAS, Plaintiffs agreed to dismiss Defendant Proteus, Inc. from the Third Claim For Relief to correct an erroneous heading listing it as a defendant for that claim;

WHEREAS, based on the records received thus far, Plaintiffs have identified individual defendants to be named in place of several of the Doe Defendant designations;

WHEREAS, upon filing of an amended complaint, Defendants would have only 14 days to file their amended response;

WHEREAS, Defendants will require additional time to evaluate an amended complaint and potentially to further meet and confer with Plaintiffs regarding any potential motion to dismiss;

WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(2)-(3), the parties may agree without further leave of court for Plaintiffs to file an amended complaint, but the parties require leave of court to change the time for Defendants to file a response thereto;

WHEREAS, Plaintiffs' amendment of the complaint and the extension of time for Defendants to file their response will not affect any other dates currently set by the court;

1 NOW THEREFORE, the parties hereby agree and stipulate as follows:

2 1. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the parties agree and hereby
3 consent in writing that Plaintiffs may and shall file a First Amended Complaint on or before
4 February 17, 2023; and

5 2. The time for Defendants to file and serve their respective responses to the First
6 Amended Complaint under Federal Rule of Civil Procedure 15(a)(3) shall be continued to March
7 17, 2023.

8 DATED: February 3, 2023

GREENBERG GROSS LLP

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10 By: /s/ Daniel S. Cha
11 Brian L. Williams
12 Daniel S. Cha
13 Emily N. Engler
Attorneys for Plaintiffs Veronica Hernandez, R.H.,
and M.H.

14 DATED: February 3, 2023

McCORMICK, BARSTOW, SHEPPARD, WAYTE &
CARRUTH LLP

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16
17 By: /s/ Marty B. Oller, IV (as authorized on
18 2/3/2023)
Marty B. Oller, IV
Attorneys for Defendant County of Fresno

19 DATED: February 3, 2023

HINSHAW & CULBERTSON LLP

20
21 By: /s/ Carla Meninsky (as authorized on
22 2/3/2023)
23 Bradley M. Zamczyk
24 Brian S. Whittemore
25 Carla Meninsky
26 Attorneys for Defendant Proteus, Inc.
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ORDER

Based on the parties' stipulation (ECF No. 20), IT IS ORDERED as follows:

1. Plaintiffs shall file a First Amended Complaint on or before February 17, 2023; and

2. Defendants shall file and serve their respective responses to the First Amended

Complaint on or before March 17, 2023.

IT IS SO ORDERED.

Dated: **February 6, 2023**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE